

### **REMARKS/ARGUMENTS**

This response is made to the Final Rejection dated June 2, 2004. Therein, the Examiner rejected claim 1 under 35 USC § 112. As acknowledged herein, an inadvertent typographical error inserted the word “layers” when the word “agents” should have been inserted. However, from the Examiner’s understanding of the claims as in the most recent Office Action, it is apparent that the Examiner has done the correct search and the relevant art is made of record.

Remaining claims 1, 3, 4, 6, 8 and 9 stand rejected under 35 USC § 102 or 103(a) alone or in combination with the Kamath reference, U.S. Patent No. 6,335,029. This rejection is earnestly traversed. The response to the rejection using Kamath essentially boils down to the following — the Examiner claims that the antiproliferative agent as claimed using a rapamycin or an analogue, is anticipated at Kamath column 6, lines 20-25, where the drug taxol is the “analogue.”

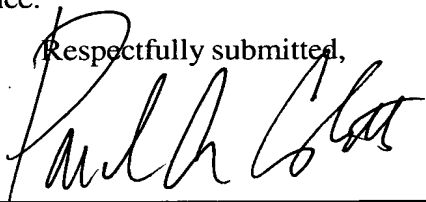
It is clear that taxol is not an analogue of rapamycin (sirolimus). The drug taxol is formed from the compound paclitaxel. While both exhibiting antiproliferative properties, these drugs have different chemical structures and can in no way be considered “analogues.” As is well known by the Examiner, “analogues” of drugs are one of a group of chemical compounds *similar* in structure but *different* in respect to elemental composition. Clearly paclitaxel and rapamycin are not of such a similar structure.

Since taxol is not the rapamycin or its analogue as recited herein, a rejection under Kamath is inappropriate. Moreover, since the Examiner has not cited any rapamycins, either alone or in combination, the remainder of the Examiner’s rejection fails. Accordingly, it is earnestly submitted that the remaining claims are in condition for allowance. A notice of their allowability is respectfully requested.

Applicants' note that there is a pending double patenting rejection with copending application 09/850,482. Since the allegedly conflicting claims have not in fact been patented, it is assumed that the present application will pass to allowance.

Respectfully submitted,

By: \_\_\_\_\_

  
Paul A. Coletti  
Reg. No. 32,019

Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
(732) 524-2815  
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